

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMMY ORTIZ,

Plaintiff,

DECISION AND ORDER

05-CV-6486L

v.

LT. SHAWN KERBEIN, et al.,

Defendants.

On January 31, 2006, plaintiff filed a motion for a temporary restraining order (Dkt. #12). At the time, he was a prisoner and sought an order of this Court directing that he be placed in protective custody because he was fearful of retaliation by prison officials. Plaintiff is now out of custody. His motion, therefore, is denied as moot.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
March 20, 2006.